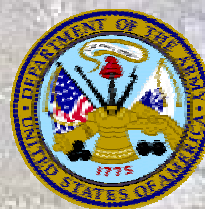


Central Region Review



U.S. Army Environmental Center Central Regional Office Kansas City, Missouri



★ SEPTEMBER 2003 ★

★ REGIONS 6 & 7 ★

The *CENTRAL REGION REVIEW* provides current information on significant federal and state legislative and regulatory developments in Federal Regions 6 and 7. The *REVIEW* is prepared by Versar, Inc., in support of the Central Regional Environmental Office, to assist you in your compliance efforts. Current and past issues of this *REVIEW*, as well as regional updates and alerts, are available on the Internet at <http://aec.army.mil/usaec/reo/creo00.html>. Please email CREO.Regulatory.Specialist@nw02.usace.army.mil or phone (816) 983-3444 if you have any questions or suggestions, or if you would like to subscribe to the *REVIEW*.

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GENERAL INFORMATION

Federal Electronics Challenge. The EPA, Office of the Federal Environmental Executive, DoD, the Federal Network of Sustainability, and GSA have partnered to create the Federal Electronics Challenge, a new voluntary program designed to help federal facilities purchase greener electronic products, manage electronic assets in an environmentally sound manner, receive assistance to change their current practices, and gain national recognition for their efforts. The program is in the pilot stage (as of May 2003), and will be rolled out as a national program in May 2004. For more information about joining the pilot or national program, please visit <http://www.federalectronicchallenge.net> or contact Christopher Kent, EPA, at (202) 564-8842.

Groundwater Central. This is a recently launched portal to centralize groundwater characterization and remediation information on the Web. The portal consists of a resource database and several communication components. The database is expected to aid remedial project managers in searching through source material from federal, multi-agency, and other trusted sources. Users also may choose to Ask An Expert relevant groundwater remediation questions, utilize the chat room, or post messages or replies at the discussion forum. This effort has

endorsement from the Federal Remediation Technologies Roundtable. The portal can be accessed at <http://www.groundwatercentral.com>.

ASSISTANCE INFORMATION

Recommended Dates to Achieve DoD EMS Metrics. To meet the December 2005 implementation requirements, the DoD has a schedule to achieve the criteria and metrics it developed to guide progress and measure performance during implementation of EMSs at appropriate facilities. During 2003, it is recommended that the installation commanders sign an installation-wide environmental policy statement consistent with Army EMS policy and make it available to installation personnel and the public no later than 30 September 2003. The DoD's EMS Implementation Criteria and Metrics Memo, dated 30 January 2003, is available at https://www.denix.osd.mil/denix/Public/Policy/ems_icm130.pdf.

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REGIONAL MEETINGS

DoD/NMED Partnering Meeting. This meeting is scheduled for **17 September 2003** in **Albuquerque, New Mexico**. For further information, please contact the Region 6 REC at (816) 983-3450.

Annual OMEG Meeting. This meeting is scheduled for **30 September – 1 October 2003** in **Oklahoma City, Oklahoma**. For further information, please contact the Region 6 REC at (816) 983-3450.

Region 7 Pollution Prevention Fall 2003 Roundtable Meeting. This meeting is scheduled for **6-8 October 2003** in **Kansas City, Kansas**. Agenda items include Fostering Sustainable Behavior Workshop, EPA National Strategy, and P2 Regulatory Integration. For further information, please contact the Region 7 REC at (816) 983-3445.

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TRAINING COURSES AND WORKSHOPS

USACE PROSPECT Training. This program provides job-related training through technical, professional, managerial and leadership courses to meet the unique needs of the USACE and other government agencies. The courses are open to all federal agencies. The current fiscal year schedule of classes is available at <http://pdsc.usace.army.mil/courseschedule.asp>.

EPA Environmental Response Training Program. The latest information on all training offered through this program is available at <http://www.ertresponse.com/Training/index.htm> (including specific locations of the training). For further information, please contact Patricia Maxwell, EPA, at Maxwell.Patricia@epamail.epa.gov.

Workshop for Wastewater and Drinking Water Utility Managers. The EPA is partnering with MDNR and Parson's Asset Management Center to hold a hands-on workshop on asset management for wastewater and drinking water utility managers. Asset management has been identified as an important tool to address the significant challenges associated with the funding gap for wastewater and drinking water infrastructure. The workshop is scheduled for **9-10 September 2003** in **St. Louis, Missouri**. The workshop is primarily for officials in Missouri and Illinois. For more information, please visit <http://www.epa.gov/owm/featinfo>.

Historic Preservation Law and Section 106 Compliance Course. This course emphasizes legal compliance (the National Historic Preservation Act Section 106 process) through the use of actual case studies. It addresses legislation and the process to meet the requirements of the law. Course content includes, but is not limited to, the stewardship role, use of historic properties, and communications with related oversight agencies. This is an ISEERB-approved course. The course is scheduled for **23-25 September 2003** in **Newport, Rhode Island**. For more information or to register, please visit <https://www.cecos.navy.mil>.

An Organizational Guide to Pollution Prevention Workshop. The EPA is hosting this workshop to help organizations get P2 programs started or to reevaluate existing P2 programs. The guide presents an alternative

method for working P2 projects and plans, and four approaches to implementing P2 and environmental planning within an organization. The course is scheduled for **7-9 October 2003** in **Boston, Massachusetts**, **4-6 November 2003** in **Dallas, Texas**, and **9-11 December 2003** in **Philadelphia, Pennsylvania**. For further information, please visit <http://www.epa.gov/ttnbrmr/p2workshop.htm>.

UXO Basic Training Course. The Interstate Technology and Regulatory Council is co-sponsoring this course with the EPA and TCEQ. This is an entry-level course designed to provide an overview of key environmental issues associated with ordnance and explosives cleanup. Participants will be introduced to basic terminology, munitions identification, safety concerns, regulatory requirements, conventional and innovative technology, site investigation, and site remediation. The course is scheduled for **28-29 October 2003** in **Austin, Texas**. For more information, please visit <http://www.itrcweb.org> or contact Eileen O'Toole at (540) 557-6007.

MDNR Workshops for Online Emissions Inventories. MDNR's Environmental Assistance Office will be offering workshops for users of Missouri's new online Emissions Inventory Questionnaire system in 2003. The Internet-based system for entering emission inventory data will be available for businesses to use for their calendar 2002 emissions reporting. Workshop locations and dates are being finalized. Workshops will be held in **November 2003** in **Kansas City, St. Louis and Jefferson City, Missouri**; and in **December 2003** in **Springfield, Missouri**. Other workshops will be held after the first of the year based on responses to MDNR's mailings. When the workshops are scheduled, they will be announced on the Air Pollution Control Program home page at <http://www.dnr.mo.gov/alpd/apcp/homeapcp.htm>, and the Environmental Assistance Office will take reservations at (800) 361-4817. For more information, please contact Omer Roberts, MDNR, at (800) 361-4817 or (573) 526-6627.

Advanced Risk Communication Workshop. The CHPPM is presenting this workshop to instruct participants on how to identify, build, maintain, and utilize strategic partnerships and plans to support an organization's mission. The workshop, scheduled for **13-15 January 2004** in **San Diego, California**, will provide participants with hands-on experience in applying the steps of the risk communication process, on-camera media practice, and seminar-style discussions of "hot" issues impacting military health and readiness. For more information, please visit <http://chppm-www.apgea.army.mil/risk> or call (410) 436-3515.

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CONFERENCES AND SYMPOSIUMS

Major Implications of Revised SPCC Rules Audio and Web Conference. Presented by the Air and Waste Management Association, this audio and web conference is scheduled for **8 September 2003** from 2:00 to 4:00 p.m. Eastern time. Panelists include the Director of the Oil Program Center, EPA Office of Emergency and Remedial Response; attorney with the American Petroleum Institute; Regional Counsel, U.S. Army Environmental Center; and Executive Director of the Utility Solid Waste Activities Group. The CREO will be one of the sites for participants. Seating, which is limited, is available by contacting the Region 7 REC at (816) 983-3445. The Air and Waste Management Association's web site is at <http://www.awma.org>. For further information, please contact Joel Anne Sweithelm (jsweithelm@awma.org) or Carrie Hartz (chartz@awma.org), Air and Waste Management Association, at (412) 232-3444, ext. 3141.

17th Annual Academy of Certified Hazardous Materials Managers 2003 National Conference. This conference, titled "The Challenging World of Hazardous Materials Management," deals with the unusual, unforeseen, and the unexpected in hazmat and environmental health and safety management, as well as traditional problems and solutions. Topics covered include (1) chemical and biological terrorism: homeland security and current events, (2) management of an anthrax response through an EMS, and (3) reflection on the environment and national policy. The conference is scheduled for **14-17 September 2003** in **Dallas, Texas**. For further information, please visit <http://www.achmm.org/achmmnew/news/news.php> or email academy@achmm.org.

2003 Hazardous Waste Disposal Contracting Symposium. This symposium, which is scheduled for **16-17 September 2003** in **Battle Creek, Michigan**, is devoted to a variety of topics relating to the disposal of hazardous items. For further information, please visit <http://www.drms.dla.mil/drmsp/symposium2003/invite.pdf>; or call (269) 961-7546.

Partners to Promote Stewardship Conference. The EPA, National Park Service, Peaks to Prairies Pollution Prevention Information Center, and several states are sponsoring this conference titled, "Sharing Common Ground:

Partners to Promote Stewardship.” This conference is for federal, state and local land managers, regulatory agencies, and non-profit and private sector organizations involved in land use and looking for ways to work cooperatively to sustain the wealth of environmental resources on public lands and the surrounding communities. The conference is scheduled for **29 September – 2 October 2003** in **Grand Teton National Park, Wyoming**. For further information, please visit <http://www.mesllc.net/conference>.

18th Annual Hazardous Materials Management Conference on Household and Small Business

Waste. This conference is for waste managers of hazardous wastes and special wastes generated from households, farms, and small quantity generators. The theme of this year's conference, scheduled for **6-10 October 2003** in **Kansas City, Missouri**, is “Exploring New Vistas.” The expanding role of household hazardous waste and CESQG programs will be explored. In addition, an 8-hour OSHA HAZWOPER refresher course will be offered on 9 October. For further information, please visit <http://www.NAHMMA.org>, or contact John Shidler at (913) 299-0486 or jshi06448@aol.com.

Solid Waste Association of North America WASTECON 2003. WASTECON hosts technical sessions on a variety of topics, exhibits from over 250 vendors, and a large section of high quality training opportunities. It is scheduled for **14-16 October 2003** in **St. Louis, Missouri**. Training courses begin 12 October 2003. For more information, please visit <http://www.wastecon.org>.

20th Annual Worldwide Chemical Conference. The theme of this year's conference is “The Chemical Corps – Now More Than Ever.” The conference will emphasize the teamwork required between industry, academia, the combat and material developers, and science and technology to resource, equip, and sustain the warfighters. Presentations on doctrine, training and training development, force structure, equipment, personnel, and other issues will provide the current status and future outlook in each area. The latest military and civilian Chemical Biological Radiological and Nuclear defense equipment in use and under development will be displayed. The conference is scheduled for **22-24 October 2003** at **Fort Leonard Wood, Missouri**. For further information, please visit http://register.ndia.org/interview/register.ndia?PID=Brochure&SID=_1170V1K5K&MID=4300.

Brownfields 2003 Conference. This conference on brownfields cleanup and reuse will include panel sessions, mobile workshops, Marketplace of Ideas roundtable discussions and individual poster presentations. The conference is scheduled for **27-29 October 2003** in **Portland, Oregon**. For further information, please visit <http://www.epa.gov/brownfields> or <http://yosemite.epa.gov/r10/cleanup.nsf/sites/bf>.

Southeast Industrial Byproducts Beneficial Use Summit. The EPA, in association with the Southern Waste Information eXchange, is presenting this summit on **4-5 November 2003** in **Atlanta, Georgia**. The purpose of the summit is to support discussions (1) between industry and regulators to increase the understanding of industrial by-products and regulatory programs; (2) among state regulators to share information and experiences on beneficial use regulations and determination processes; and (3) among industries to share experiences on navigating the regulatory process and to assess the potential to utilize each other's byproducts. Topics to be discussed include overcoming barriers to collaboration; establishing successful partnerships; establishing viable markets; and innovative government and industry programs. For further information, please visit <http://swix.ws/upload/Brochure.pdf>.

EPA Emergency Preparedness and Prevention Conference. The theme of this conference is “Stay the Course,” and will emphasize the importance of continued diligence and focus on emergency planning and preparedness efforts. The conference, which is scheduled for **16-19 November 2003** in **Norfolk, Virginia**, will include workshops, general sessions, networking opportunities, and an exhibit hall. For more information, please visit <http://www.2003conference.org>.

Partners in Environmental Technology Symposium. The Strategic Environmental Research and Development Program and the Environmental Security Certification Program are hosting this symposium and workshop with the theme, “Meeting DoD's Environmental Challenges.” A major focus will be sustainability of military testing and training ranges. The symposium, which is scheduled for **2-4 December 2003** in **Washington, D.C.**, will offer 12 technical sessions that highlight proven technologies, as well as technologies needed to address emerging environmental challenges. For more information, please visit <http://www.serd.org/news/ESAa4c.pdf>.

Conference on Sustainable Range Management. This conference will provide a venue for exchange of information benefitting all stakeholders involved with range management issues. The technical programs will include urban growth and encroachment issues, management of airspace, noise abatement issues, air quality management,

threatened and endangered species habitat protection, military munitions response program, and cleanup of munitions and explosives of concern. The conference is scheduled for **5-8 January 2004** in **New Orleans, Louisiana**. For further information, please visit <http://www.battelle.org/rangecon>.

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FEDERAL ACTIONS

EPA FINAL RULES

Texas: Final Authorization of State Hazardous Waste Management Program Revisions – Removal of Immediate Final Rule (68 FR 43326; 22 July 2003). The EPA is removing the immediate final rule, Texas: Final Authorization of State Hazardous Waste Management Program Revisions, published on 15 April 2003 at 68 FR 18126, which authorized changes to Texas' hazardous waste program under RCRA. The EPA stated in the immediate final rule that if the EPA received written comments that opposed this authorization during the comment period, the agency would publish a timely notice of withdrawal in the Federal Register. Since the EPA did receive comments that opposed this authorization, the EPA is removing the immediate final rule. The EPA will address these comments in a subsequent final action. The removal was effective 22 July 2003. For further information, please contact Alima Patterson at (214) 665-8533.

Approval and Promulgation of Operating Permits Program; State of Kansas (68 FR 46489; 6 September 2003). The EPA is approving revisions to the Kansas Operating Permit Program. On 25 June 2001, the State of Kansas requested a revision to change the Class I Operating Permits annual emission inventory due date and to revise the annual emissions fee. Approval of these revisions will ensure consistency between the state and federally approved rules. This direct final rule will be effective 6 October 2003, unless the EPA receives adverse comments by 5 September 2003. For further information, please contact Heather Hamilton at (913) 551-7039 or hamilton.heather@epa.gov.

Approval and Promulgation of Implementation Plans; State of Missouri (68 FR 47466; 11 September 2003). The EPA is approving a revision to the Missouri SIP, which establishes a statewide air emissions banking and trading program. This direct final rule will be effective 10 October 2003, unless the EPA receives adverse comments by 20 September 2003. For further information, please contact Wayne Kaiser at (913) 551-7603 or kaiser.wayne@epa.gov.

EPA PROPOSED RULES

National Primary Drinking Water Regulations: Long Term 2 Enhanced Surface Water Treatment Rule (LT2ESWTR) (68 FR 47639; 11 August 2003). The EPA is proposing National Primary Drinking Water Regulations that require the use of treatment techniques, along with monitoring, reporting, and public notification requirements, for all public water systems that use surface water sources. The purposes of the Long Term 2 Enhanced Surface Water Treatment Rule are to improve control of microbial pathogens, including specifically the protozoan *Cryptosporidium*, in drinking water and to address risk trade-offs with the control of disinfection byproducts. Key provisions in this proposed LT2ESWTR include the following: source water monitoring for *Cryptosporidium*, with reduced monitoring requirements for small systems; additional *Cryptosporidium* treatment for filtered systems based on source water *Cryptosporidium* concentrations; inactivation of *Cryptosporidium* by all unfiltered systems; disinfection profiling and benchmarking to ensure continued levels of microbial protection while PWSs take the necessary steps to comply with new disinfection byproduct standards; covering, treating, or implementing a risk management plan for uncovered finished water storage facilities; and criteria for a number of treatment and management options (i.e., the microbial toolbox) that PWSs may implement to meet additional *Cryptosporidium* treatment requirements. The LT2ESWTR will build upon the treatment technique requirements of the Interim Enhanced Surface Water Treatment Rule and the Long Term 1 Enhanced Surface Water Treatment Rule. The comment period ends 10 November 2003. For further information, please contact the USAEC Media Manager for the SDWA at (410) 436-1203, DSN 584-1203, or Jennifer McLain, EPA, at (202) 564-5248.

USAEC Comment: These proposed regulations may affect the majority of Army installations, leading to a potentially significant impact overall.

National Primary Drinking Water Regulations: Stage 2 Disinfectants and Disinfection Byproducts Rule; National Primary and Secondary Drinking Water Regulations: Approval of Analytical Methods for Chemical Contaminants (68 FR 49547; 18 August 2003). The EPA is proposing MCLGs for chloroform, monochloroacetic acid (MCAA) and trichloroacetic acid (TCAA); National Primary Drinking Water Regulations which consist of MCLs and monitoring, reporting, and public notification requirements for total trihalomethanes (TTHM – a sum of chloroform, bromodichloromethane, dibromochloromethane, and bromoform) and haloacetic acids (HAA5 – a sum of mono-, di-, and trichloroacetic acids and mono- and dibromoacetic acids); and revisions to the reduced monitoring requirements for bromate. The EPA also is specifying the best available technologies for the proposed MCLs. Finally, the EPA is proposing additional analytical methods for the determination of disinfectants and disinfection byproducts in drinking water and proposing to extend approval of DBP methods for the determination of additional chemical contaminants. This set of regulations is known as the Stage 2 Disinfectants and Disinfection Byproducts Rule. The EPA's objective for the Stage 2 DBPR is to reduce the potential risks of reproductive and developmental health effects and cancer associated with disinfection byproducts by reducing peak and average levels of DBPs in drinking water supplies. The Stage 2 DBPR applies to public water systems that are community water systems or nontransient noncommunity water systems that add a primary or residual disinfectant other than ultraviolet light or deliver water that has been treated with a primary or residual disinfectant other than ultraviolet light. The comment period ends 17 November 2003. For further information, please contact the USAEC Media Manager for the SDWA at (410) 436-1203, DSN 584-1203, or Jennifer McLain, EPA, at (202) 564-5248.

USAEC Comment: These proposed regulations are considered to have major impact on the Army and its resourcing.

OTHER EPA REGULATORY ACTIVITY

Clean Water Act Section 303(d): Availability of 5 TMDLs for Arkansas; Notice of Availability (68 FR 45819; 4 September 2003). This notice announces the availability for comment of the administrative record file for 5 TMDLs and the calculations for these TMDLs prepared by EPA Region 6 for waters listed in the State of Arkansas under section 303(d) of the Clean Water Act. The comment period closed 3 September 2003. For further information, please contact Ellen Caldwell at (214) 665-7513 or caldwell.ellen@epa.gov.

Notice of Adequacy Status of Submitted SIP for Transportation Conformity Purposes: MOBILE6 Motor Vehicle Emissions Budgets for the Albuquerque Carbon Monoxide Maintenance Area (68 FR 46601; 6 August 2003). The EPA is notifying the public that it has found the on-road motor vehicle emissions budget contained in the revision to the Albuquerque Carbon Monoxide Maintenance Plan adequate for transportation conformity purposes. As a result of this finding, the budgets from the submitted attainment demonstration SIP revision must be used for future conformity determinations in the Albuquerque area. These budgets were effective 21 August 2003. For further information, please contact Peggy Wade at (214) 665-7247 or Wade.Peggy@epa.gov.

USFWS PROPOSED RULE

Migratory Bird Hunting; Proposed Frameworks for Early-Season Migratory Bird Hunting Regulations; Notice of Meetings (68 FR 42545; 17 July 2003). USFWS is proposing to establish the 2003-2004 early-season hunting regulations for certain migratory game birds. The agency annually prescribes frameworks, or outer limits, for dates and times when hunting may occur and the maximum number of birds that may be taken and possessed in early seasons. These frameworks are necessary to allow State selections of specific final seasons and limits and to allow recreational harvests at levels compatible with population status and habitat conditions. For further information, please contact Brian Millsap at (703) 358-1714.

USAEC Comment: This proposed rule is applicable to those Army installations with waterfowl, migratory shore bird and/or upland game bird hunting programs.

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REGION 6 STATE ACTIVITY

Regulatory & Legislative Web Sites

Arkansas Department of Environmental Quality (ADEQ)	http://www.adeq.state.ar.us
Arkansas General Assembly	http://www.arkleg.state.ar.us/
Louisiana Department of Environmental Quality (LDEQ)	http://www.deq.state.la.us
Louisiana Legislature	http://www.legis.state.la.us/
New Mexico Environment Department (NMED)	http://www.nmenv.state.nm.us/
New Mexico Legislature	http://legis.state.nm.us/
Oklahoma Department of Environmental Quality (ODEQ)	http://www.deq.state.ok.us
Oklahoma Legislature	http://www.lsb.state.ok.us/
Texas Commission on Environmental Quality (TCEQ)	http://www.tnrcc.state.tx.us
Texas Legislature	http://www.capitol.state.tx.us/

ARKANSAS

Legislative/Regulatory Activity

There is no State of Arkansas regulatory activity to report this month.

NOTE: Please see the following EPA action related to Arkansas under **OTHER EPA REGULATORY ACTIVITY:**
Clean Water Act Section 303(d): Availability of 5 TMDLs for Arkansas; Notice of Availability.

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LOUISIANA

Legislative/Regulatory Activity

STATE OF LOUISIANA FINAL RULES

(UPDATE) **Adoption of Federal Amendments to the NESHAPs and to MACT (LAC 33:III.5122).** LDEQ has adopted a rule identical to federal regulations found in 68 FR 32586-32603, No. 104 (30 May 2003). This rule change incorporates by reference the amendments to the General Provisions for the NESHAPs and to the rule that establishes criteria and procedures for equivalent emission limitations – case-by-case MACT adopted in accordance with the Clean Air Act. The EPA changed the criteria and procedures for case-by-case MACT for sources that do not have promulgated MACT rules. Provisions of this change may be operative before the Department promulgates its annual incorporation by reference in 2004. The regulation was published as final 20 August 2003. *For further information, please contact Lynn Willbanks at (225) 765-0399.*

(UPDATE) **De Minimis Exclusion for USTs (LAC 33:XI.101).** LDEQ has approved a rule to clarify the existing regulation by resolving the ambiguity of the term "de minimis concentration." This ambiguity has affected Department enforcement actions directed at sub-standard USTs that have been in temporary closure for more than 12 months and that have not been upgraded or permanently closed according to Department regulations. The regulation was published as final 20 August 2003. *For further information, please contact Lynn Willbanks at (225) 765-0399.*

STATE OF LOUISIANA EMERGENCY RULES

(NEW) **Notification Regulations and Procedures for Unauthorized Discharges (LAC 33:I:39).** LDEQ has adopted an emergency rule to obtain additional information regarding unauthorized discharges in the Baton Rouge Nonattainment Area. The emergency rule modifies the federal reportable quantity lists incorporated by reference in chapter 39, as well as reportable quantities for additional pollutants. Facilities are to continue to follow the LAC 33:I:Chapter 39 reporting protocols and, whenever possible, to utilize the new notification procedures. The Department issued this regulation on an emergency basis. The rule will be effective for 120 days from 12 September 2003, and must be renewed or made permanent at that time. *For further information, please contact Sharon Parker at (225) 765-0380.*

(UPDATE) **Procedure for Public Notification of Contamination (LAC 33:I.Chapter 1)**. LDEQ adopted an emergency rule that establishes procedures for notifying those members of the public that the Department determines are likely to be adversely affected by a release of hazardous substances or other pollutants. The regulation establishes a procedure for issuing a notice, prioritizing sites for provision of notice, and a schedule of applicable timeframes. The emergency rule was renewed again on 7 March 2003, effective 5 July 2003. *For further information, please contact Sharon Parker at (225) 765-0380.*

STATE OF LOUISIANA PROPOSED RULES

(NEW) **Control of Emission of Organic Compounds (LAC 33:III.3.2104, 2108, 2115, 2123, 2125, 2143, 2147, 2149, 2151, 2153)**. LDEQ has proposed RACT regulations for sources of VOC emissions in the five-parish Baton Rouge ozone nonattainment area that are subject to the new lower major stationary source threshold of 25 tons per year, including Ascension, East Baton Rouge, Iberville, Livingston, and West Baton Rouge. The Clean Air Act Amendments require severe area plans to include requirements for RACT rules for sources of VOC emissions of 25 tons per year, which is the new lower major threshold in the five-parish Baton Rouge ozone nonattainment area. This rule is also being proposed as a revision to the Louisiana SIP for air quality. The basis and rationale for this rule are to comply with the provisions of the 1990 Clean Air Act Amendments. A public hearing is scheduled for 24 September 2003; comments are due by 1 October 2003. *For further information, please contact Lynn Willbanks at (225) 765-0399.*

(NEW) **Emissions Inventory, Toxics Emissions Reporting and Related Fee Methodology (LAC 33:III.211, 918, 919, 5107)**. LDEQ has proposed revisions to the requirements for emissions inventory. Changes include clarifications to the definition of "significant change" and the direct linking of the emissions inventory to the appropriate criteria pollutant fees section. In addition, changes are being made in order to correlate LAC 33:III.919 with the federal Consolidated Emissions Reporting Rule. PM2.5 and ammonia are now specifically listed as required inventory pollutants. This rule is also being proposed as a revision to the Louisiana SIP for air quality. A public hearing is scheduled for 24 September 2003; comments are due by 1 October 2003. *For further information, please contact Lynn Willbanks at (225) 765-0399.*

(NEW) **Nonattainment New Source Review Procedures (LAC 33:III.504)**. LDEQ has proposed a rule change to clarify the internal offset ratio that facilities must meet in serious and severe ozone nonattainment areas. This is because the Baton Rouge Nonattainment Area is being reclassified from serious to severe as a result of failure to reach ozone attainment levels as mandated by the Clean Air Act. The regulation amends section 504 to state that for applications completed on or after 23 June 2003, the provisions for severe ozone nonattainment areas shall apply to VOC and NOx increases. A public hearing is scheduled for 24 September 2003; comments are due by 1 October 2003. *For further information, please contact Lynn Willbanks at (225) 765-0399.*

(NEW) **Control of Emissions of Nitrogen Oxides (LAC 33:III.2201)**. LDEQ has proposed RACT regulations for sources of NOx emissions in the five-parish Baton Rouge ozone nonattainment area that are subject to the new lower major stationary source threshold of 25 tons per year, including Ascension, East Baton Rouge, Iberville, Livingston, and West Baton Rouge. The Clean Air Act Amendments require severe area plans to include requirements for RACT rules for sources of NOx emissions of 25 tons per year, which is the new lower major threshold in the five-parish Baton Rouge ozone nonattainment area. This rule is also being proposed as a revision to the Louisiana SIP for air quality. The basis and rationale for this rule are to comply with the provisions of the 1990 Clean Air Act Amendments. A public hearing is scheduled for 24 September 2003; comments are due by 1 October 2003. *For further information, please contact Lynn Willbanks at (225) 765-0399.*

(UPDATE) **Waste Tire Regulations (LAC 33:VII.10505, 10519, 10525, 10527, 10533)**. LDEQ has proposed a permanent version of the temporary emergency Waste Tire Disposal Rule for waste tires processed in Louisiana. The rule clarifies and adds definitions and reporting requirements for collection centers, adds recall and adjustment tires to the fee system, changes the number of unmanifested tires that can be dropped off at collection centers from 20 to 5 per day per customer, and adds requirements for generators other than new tire dealers to maintain purchase receipts, inventory records, and sales invoices for three years. Waste tires are coming from out-of-state into the waste tire program. There is currently no fee collected on these tires, but they are processed, marketed, and paid for through the Louisiana Waste Tire Program. The basis and rationale for this rule are to protect the Waste Tire Management Fund from being depleted by paying for ineligible out-of-state tires. All waste tires must be processed in accordance with LAC 33:VII.Chapter 105, which requires tire dealers to collect fees from purchasers and imposes recordkeeping responsibility for purchases on used tire dealers, salvage yards and recappers. A public

hearing is scheduled for 24 September 2003; comments are due by 1 October 2003. *For further information, please contact Cheryl Flory at (225) 765-0399.*

OTHER REGULATORY ACTIVITY

(UPDATE) **Used Oil Recycling (LAC 33:VII.Chapter 107).** LDEQ has withdrawn a rule to establish a broad identification program for used oil collection sites. The rule would have set minimum reporting standards and would have provided for the awarding of funds to local governments to establish local used oil collection programs. The Department was discussing restructuring the federal guidelines to make the draft easier to read and removing the fee requirements as well as requirements for filter disposal. Staff report this rule has been effectively withdrawn from discussion. *For further information, please contact John Rogers at (225) 765-0168.*

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NEW MEXICO

Legislative/Regulatory Activity

STATE OF NEW MEXICO FINAL RULE

(UPDATE) **Amendments to the Regulations Governing Petroleum Storage Tanks (20 NMAC 5).** NMED has adopted amendments to the regulations governing petroleum storage tanks. The amendments are a followup to the recently passed regulations requiring the registration of ASTs. The regulations primarily outline installation, testing and operating requirements for ASTs. The effective date of this rule was 15 August 2003. *For further information, please contact Anna Richards at (505) 984-1925.*

STATE OF NEW MEXICO PROPOSED RULES

(UPDATE) **Revisions to Air Construction Permit Rules (20 NMAC 2.72).** NMED proposed revisions to its air quality control regulations with regard to construction permits, prevention of significant deterioration, and permits for nonattainment areas. The revisions allow the Department to require owners and operators of air pollution sources of VOCs exceeding 10 pounds per hour or 25 tons per year to obtain a construction permit. The hearing scheduled for 5 August 2003 was postponed indefinitely. *For further information, please contact Rita Trujillo at (505) 955-8024.*

(UPDATE) **Amendments to Toxic Pollutant Criteria (20 NMAC 6.2).** NMED has proposed amendments to the toxic pollutant criteria and water quality standards of the Water Quality Control Commission Regulations, which would add 2,6 DNT, HMX, RDX, TNT, manganese, MTBE and perchlorate to the Commission's toxic pollutant listing, and would change the existing groundwater standard for uranium from 5 mg/L to 0.007 mg/L. A public hearing is scheduled for the week of 22 September 2003. *For further information, please contact Geraldine Madrid-Chavez at (505) 827-2425.*

CREO Regional Counsel Comment: At this time, no numerical standards or limits are proposed for either the explosives or perchlorate. Nonetheless, the CREO is coordinating comments to the proposed changes with the DoD Regional Environmental Coordinator and USAEC. Comments will be submitted in writing and verbally provided at the public hearing. Generally, the comments will express the DoD and Army interest in participating in any future actions to develop numeric standards.

OTHER REGULATORY ACTIVITY

(NEW) **General Construction Permit for Combustion Sources and Related Equipment (20 NMAC 2.72).** NMED has approved a General Construction Permit for combustion sources and related equipment. Previously, the only available GCP for oil and gas facilities (GCP-1, issued 18 February 1999) was limited to oil and gas facilities utilizing low emissions technology rather than control equipment. The GCP-4 is available to minor-source oil and gas facilities with or without controls, including but not limited to facilities that now qualify for GCP-1, those that are currently using Level 1 Streamline provisions under 20 NMAC 2.72, and tank farms. A public hearing was held 13 August 2003. *For further information, please contact Lany Weaver at (505) 827-0043.*

NOTE: Please see the following EPA action related to New Mexico under **OTHER EPA REGULATORY ACTIVITY:** Notice of Adequacy Status of Submitted SIP for Transportation Conformity Purposes: MOBILE6 Motor Vehicle Emissions Budgets for the Albuquerque Carbon Monoxide Maintenance Area.

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OKLAHOMA

Legislative/Regulatory Activity

There is no State of Oklahoma regulatory activity to report this month.

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TEXAS

Legislative/Regulatory Activity

STATE OF TEXAS FINAL RULES

(UPDATE) **Repeal of General Operating Permit (30 TAC 122).** TCEQ has adopted the repeal of the general operating permits under section 122, including the Oil and Gas General Operating Permit, Bulk Fuel Storage Terminal General Operating Permit; and Site-wide General Operating Permit under sections 122.511 - 122.516. The contents of these sections were industry and county-specific general operating permits that have now become non-rule general operating permits. The effective date of the repeal was 14 August 2003. *For further information, please contact Beryl Thatcher at (512) 239-5946.*

(UPDATE) **Sludge Use Disposal and Transportation (30 TAC 312, 321).** TCEQ has adopted amendments to bring these rules into compliance with the registration of Professional Geoscientists. The proposed amendments and rules would, among other things, require a geologist who provides information to the Commission as either part of a geologic assessment or a hydrogeologic evaluation to be licensed by the Texas Board of Professional Geoscientists. Changes will be made to grammar and definitions in both chapters. In addition, changes in Chapter 321 will include the following: (1) requires that documentation of liner certifications may be made either by a licensed professional engineer or a licensed professional geoscientist and that documentation must be signed, sealed, and dated, (2) groundwater monitoring plans must also be prepared, certified, signed, sealed, and dated by a licensed professional geoscientist, (3) plans must provide the correct and proper name of the laboratory test to be conducted, (4) requires certification of the pond liner by a Natural Resources Conservation Service engineer, a licensed professional engineer, or a licensed professional geoscientist; the certification must be signed, sealed, and dated by the licensed professional engineer or licensed professional geoscientist, and (5) recharge feature certification must be made by a Natural Resources Conservation Service engineer, a licensed professional engineer, or a licensed professional geoscientist (rather than a qualified groundwater scientist). The effective date of this rule was 1 September 2003. *For further information, please contact Stephanie Bergeron at (512) 239-6087.*

STATE OF TEXAS FINAL RULE TO BE PUBLISHED

(UPDATE) **Information Certification Requirements for Registered Geoscientists (30 TAC 330).** TCEQ has adopted amendments to implement Texas Civil Statutes, Article 3271b by requiring a "licensed professional geoscientist" as the person who must perform and submit geoscientific information to the Commission. The proposal also includes needed revisions identified during the quadrennial review of Chapter 330. The Commission adopted the proposal on 6 August 2003 and the rule is now pending publication. *For further information, please contact Michael Bame at (512) 239-5658.*

STATE OF TEXAS PROPOSED RULES

(NEW) **Radioactive Waste Disposal Rules (30 TAC 37, 39, 305, 336).** TCEQ has proposed rules that would revise the Commission's radiation control rules in Chapter 336 (Radioactive Substance Rules) in accordance with House Bills 1567 and 1678, 78th Legislature; make corresponding changes to Chapters 37 (Financial Assurance), 39 (Public Notice), and 305 (Consolidated Permits); provide licensing of an LLRW disposal facility and establish procedures for the Commission to accept and evaluate license applications from private entities to dispose of LLRW; change the "radiation and perpetual care fund" to a "perpetual care account" in the general revenue fund; and incorporate new United States Nuclear Regulatory Commission requirements regarding "deliberate misconduct

by unlicensed persons” and “revisions to the skin dose limit.” A hearing is scheduled for 16 September 2003; comments are due by 22 September 2003. *For further information, please contact Michael Bame at (512) 239-5658.*

(NEW) **Emissions Events Demonstrations Revisions (30 TAC 101.221 – 101.223).** TCEQ is proposing technical corrections to the emissions events rule in Chapter 101 in support of receiving full program approval for the Texas operating permits program. The corrections will resolve the issues associated with the EPA SIP approval of the emissions events rules submitted in September 2002, as well as EPA approval of the state’s response to the operating permits program notice of deficiency. In addition, the corrections will delete the references to an exemption from compliance with emissions limitations to eliminate any confusion as to whether there is an automatic exemption from compliance with emissions and opacity limits. Finally, the corrections will specify that an affirmative defense may be claimed when the state brings an enforcement action for certain events and activities and retain the requirement that the burden of proof is on the owner or operator to prove it meets the demonstration criteria in section 101.222 when addressing exceedances of emissions or opacity limits and claiming the affirmative defense. A public hearing was held on 12 August 2003; comments are due by 22 September 2003. *For further information, please contact Alan Henderson at (512) 239-1510.*

(UPDATE) **Drinking Water Surface Treatment Rules (30 TAC 290.38, .39, .41-.47, .104, .106, .107, .111, .117, .121, .122).** TCEQ has proposed to amend state rules to conform with the federal National Primary Drinking Water Regulations: Long Term 1 Enhanced Surface Water Treatment Rule and the federal National Primary Drinking Water Regulations: Filter Backwash Recycling Rule published by the EPA on 8 June 2001. The Commission is also proposing to make technical corrections to the state rules that are analogous to minor revisions made by the EPA to the federal National Primary Drinking Water Regulations for Lead and Copper, also known as the federal Lead and Copper Rule Minor Revisions and the federal National Primary Drinking Water Regulations: Public Notification Rule. In addition to these federally mandated revisions, the Commission is proposing to adopt the following changes: several amendments that specify how the Commission implements various regulatory requirements; requirements for the laboratories at surface water treatment plants; and updates to several provisions to conform state rules to current design practices. A public hearing was held 3 September 2003; comments are due by 8 September 2003. *For further information, please contact Ray Austin at (512) 239-6814.*

(UPDATE) **Radionuclide Standards for Drinking Water (30 TAC 290.108).** TCEQ is proposing revisions to Chapter 290 to incorporate the new MCL for uranium in drinking water, and some new measurement provisions needed to comply with new rules promulgated by the EPA. The amendments include an MCL for uranium, which is not currently regulated under state law, and revisions to the monitoring requirements for combined radium-226 and radium-228, gross alpha particle radioactivity, and beta and photon radioactivity. This amendment does not include, nor does it address, management of materials resulting from drinking water treatment processes. Implementation issues are being discussed with utilities that may need to treat their drinking water and manage the resulting materials. In addition, the Commission is proposing to amend section 290.108(a) by requiring existing systems to comply with the requirements for uranium by 1 January 2004. A public hearing was held 23 July 2003; comments are due by 8 September 2003. *For further information, please contact Ray Austin at (512) 239-6814.*

OTHER REGULATORY ACTIVITY

(NEW) **Commercial Industrial Non-Hazardous Waste Landfill Rules (30 TAC 335.580 – 335. 594).** TCEQ has drafted new standards for the disposal of non-hazardous industrial waste in commercial non-hazardous waste landfills, including design and operational standards. The regulatory changes to Chapter 335 would provide new standards for the disposal of Class 1 nonhazardous industrial solid waste in commercial industrial nonhazardous waste landfill units and will clarify the requirements that must be met to obtain a permit to operate CINWLs. The proposed rules also will assist applicants in the preparation of administratively and technically completing applications for CINWLs, and will assist the Commission’s staff in completing thorough, consistent and timely reviews of these applications. Consideration for publication of, and hearing on, these amendments were on the agenda of TCEQ’s 20 August 2003 meeting. *For further information, please contact Ray Henry Austin at (512) 239-6814.*

NOTE: Please see the following EPA action related to Texas under **EPA FINAL RULES:** Texas: Final Authorization of State Hazardous Waste Management Program Revisions – Removal of Immediate Final Rule.

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REGION 7 STATE ACTIVITY

Regulatory & Legislative Web Sites

Iowa Department of Natural Resources (IDNR)	http://www.state.ia.us/dnr/
Iowa General Assembly	http://www.legis.state.ia.us/
Kansas Department of Health and Environment (KDHE)	http://www.kdhe.state.ks.us
Kansas Legislature	http://www.kslegislature.org/cgi-bin/index.cgi
Missouri Department of Natural Resources (MDNR)	http://www.dnr.state.mo.us/homednr.htm
Missouri General Assembly	http://www.moga.state.mo.us/
Nebraska Department of Environmental Quality (NDEQ)	http://www.deq.state.ne.us
Nebraska Legislature	http://www.unicam.state.ne.us/

IOWA

Legislative/Regulatory Activity

STATE OF IOWA FINAL RULE

(UPDATE) **Title V Fee Cap (567 IAC 22).** IDNR issued an emergency regulation and has now adopted a permanent regulation to increase the maximum dollar per ton fee (a.k.a. "fee cap"). The Environmental Protection Commission was charged with setting the annual fee for Title V permits. The maximum fee that the Commission had been allowed by rule to charge annually on the first 4,000 tons of actual emissions of each pollutant, from sources subject to Title V permitting, is \$29 per ton. Budget projections and estimates of actual emissions indicated that this annual fee would have to be increased to maintain the current level of service with increases in staff salaries due to negotiated contract increases. The annual fee was \$29 per ton, which was at the maximum cap level. Therefore, the Commission was asked to raise the fee cap to allow for increases in annual fee levels. The Department has adopted an increase in the fee level cap to \$39 per ton on the first 4,000 tons of actual emissions. The rule became effective 16 July 2003. *For further information, please contact Wayne Gieselmann at (515) 281-8916.*

STATE OF IOWA PROPOSED RULES

(NEW) **Open Burning Rule Revisions (567 IAC 23).** IDNR is proposing an amendment to the open burning regulations. The proposed amendment makes the following changes: (1) clarifies subrule 23.2(2) to emphasize that additional information may be required when a variance is requested, (2) adds definitions for "training fire" and "bona fide training," and (3) details requirements for a "controlled burning of a demolished building." A public hearing has been held and the comment period is closed. *For further information, please contact Christine Paulson on (515) 242-5094.*

CREO Counsel Comment: Consultation with IDNR indicates that this proposed rule will only be applicable to incorporated cities within Iowa.

(UPDATE) **Exemption for Small Emissions Units (567 IAC 22.1[2][w]).** IDNR has proposed an amendment to Chapter 22 to add a new exemption for small emission units. Small units are defined as emission units and associated control equipment that emit less than 40 pounds per year of lead and lead compounds expressed as lead, 5 tons per year of sulfur dioxide, 5 tons per year of NOx, 5 tons per year of VOCs, 5 tons per year of carbon monoxide, 5 tons per year of particulate matter, and 2.5 tons per year of PM10. The exemption would apply to new or modified units. A public hearing is scheduled for 7 October 2003; comments are due by 17 October 2003. *For further information, please contact Wayne Gieselmann at (515) 281-8916.*

OTHER REGULATORY ACTIVITY

(NEW) **Amendment to Water Quality Standards (567 IAC 61).** IDNR is drafting an amendment to the WQSs. The proposed changes include the following: (1) numerical water quality criteria for chloride for the protection of aquatic life and general uses are being established, (2) the current TDS numerical criterion of 750 mg/L is being replaced with a site-specific approach for establishing discharge limits for dissolved solids, (3) the current B(LW)

Lakes and Wetlands use designation will be replaced with separate designations for each of the two types of water bodies – lakes and wetlands, (4) several lakes and wetlands will be added to the rule – referenced document “Surface Water Classification,” (5) all the waterbodies currently designated as Class B(WW) warmwater and Class B(CW) coldwater and those being redesignated as Class B(L) lakes in the rule – referenced document “Surface Water Classification,” will be designated as Class A2 secondary contact recreational waters, (6) several streams will added as Class B(LR) streams, two Class B(WW) streams will be redesignated as B(LR) streams, and corrections to stream locations will be made in the rule – referenced document “Surface Water Classification,” and (7) the rule – referenced document “Protected Flows for Selected Stream Segments,” will be amended to add several streams and correct the locations and protected flows of several other streams for consistency with the document “Surface Water Classification.” Public hearings are scheduled for 7, 9, 10, 13, 15 and 17 October 2003 in Atlantic, Decorah, Clear Lake, Cherokee, Iowa City, and Des Moines, Iowa, respectively. Comments are due by 31 October 2003. *For further information, please contact Jack Riessen at (515) 281-5029.*

(NEW) **Amendment to Waste Tire Management Regulations (567 IAC 117).** IDNR is discussing a rulemaking to amend Chapter 117 to allow the Department to include appropriate references to enforcement authority and penalties for non-compliance with provisions of this rule chapter, as contained within Iowa Code Chapter 445B.301 through 445B.307. Inclusion of references to these Iowa Code chapters will ensure that the Department has the necessary authority to enforce compliance with the rule chapter. These amendments will provide greater effectiveness, clarity and consistency with legislative intent and statutory authority for waste tire management and regulation. *For further information, please contact Wayne Gieselmann at (515) 281-8916.*

(UPDATE) **Amendments to Lead and Copper Rule, Arsenic Rule, Filter Backwash Rule, Rule for Surface Water Treatment for Small Systems, Provisions for Radionuclides, and Public Notification Rule (567 IAC 41, 42, 43).** IDNR is drafting amendments to the following three rules: (1) the lead and copper rule, (2) the provisions for radionuclides, and (3) the public notification rule. The Department is now also including in this package amendments to (1) the arsenic rule, (2) the filter backwash rule, and (3) the Long Term 1 rule (LT1 – known as the surface water treatment rule for small systems). The amendments to the lead and copper rule will be minor revisions to clarify water quality monitoring. The amendments for radionuclides are a result of the EPA’s November 2000 analysis of radionuclides, which changed who has to monitor for radionuclides, the frequency of the monitoring and the methodology. The amendments will also add uranium as a new component. The amendments to the public notification rule will address who must be notified, when and what language must be used when a Safe Drinking Water Act violation occurs. The Department also will make two minor changes in the disinfection byproduct rule, which the Department had neglected to include in an earlier update. Final adoption of the rule was discussed at the Environmental Protection Commission meeting on 18 August 2003. Six public hearings are anticipated, in Mason City, Storm Lake, Atlantic, Des Moines and Washington, Iowa. Dates for these meetings have not yet been set. A proposed rule is expected by September 2003. *For further information, please contact Diane Moles, IDNR, at (515) 281-0281.*

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KANSAS

Legislative/Regulatory Activity

STATE OF KANSAS PROPOSED RULE

(UPDATE) **Construction and Demolition Waste Landfills (KAR 28-29-300, -302, -304, -308, -321, -325).** KDHE is proposing regulations for construction and demolition waste landfills. The regulations will cover all operational and permitting aspects. The regulations will not make many changes, but will set out the Department’s expectations of landfill owners and clarify requirements. A public hearing is scheduled for 8 October 2003; comments are due prior to the hearing. *For further information, please contact George McCaskill at (785) 296-1606.*

OTHER REGULATORY ACTIVITY

(NEW) **Revision of Permit Regulations (KAR 28-29-6, 28-29-84).** KDHE is discussing revisions to the solid waste management regulations. The amendment will revise the permit regulation 28-29-6, revoke regulation 28-29-84, and add a few new regulations. These changes will incorporate the new schedule of permit fees. The Department has not yet set a schedule for rulemaking. *For further information, please contact George McCaskill at (785) 296-1606.*

(NEW) **Amendments to Solid Waste Planning Regulations (KAR 28-29-75).** KDHE is planning revisions to the solid waste planning regulations. The amendment would conform the regulations with recent statute changes. The Department has not yet set a schedule for rulemaking. *For further information, please contact George McCaskill at (785) 296-1606.*

(NEW) **Adopt Federal Hazardous Waste Regulations (no citation yet).** KDHE is planning amendments to the hazardous waste regulations to adopt federal regulations issued through 30 June 2002. The Department has not yet set a schedule for rulemaking. *For further information, please contact George McCaskill at (785) 296-1606.*

(NEW) **Lead and Copper Rule Minor Revisions (no citation yet).** KDHE is discussing a new rulemaking to adopt the federal Lead and Copper Rule Minor Revisions. These minor revisions streamline requirements, promote consistent implementation, and may reduce burden for water systems. The Minor Revisions do not change the action levels of 0.015 mg/L for lead and 1.3 mg/L for copper, or MCLGs established by the 1991 federal rule, which are 0 mg/L for lead and 1.3 mg/L for copper. They also do not affect the rule's basic requirements to optimize corrosion control and, if appropriate, treat source water, deliver public education and replace lead service lines. The Department has not yet set a schedule for rulemaking. *For further information, please contact Steve Foster at (785) 296-5505.*

(NEW) **Consumer Confidence Reports (no citation yet).** KDHE is discussing amendments to the drinking water regulations to adopt the federal consumer confidence reports regulations. The Department has not yet set a schedule for rulemaking. *For further information, please contact Steve Foster at (785) 296-5505.*

(NEW) **Public Notification Rule (no citation yet).** KDHE is discussing an amendment to adopt the federal Public Notification Rule. Public water systems must notify their customers when they violate the EPA or state drinking water standards (including monitoring requirements) or otherwise provide drinking water that may pose a risk to consumers' health. The EPA revised the existing Public Notification rule to better tailor the form, manner and timing of the notices to the relative risk to health. The revised rule makes notification easier and more effective for both water systems and the customers that they serve. The Department has not yet set a schedule for rulemaking. *For further information, please contact Steve Foster at (785) 296-5505.*

(NEW) **Radionuclides Rule (no citation yet).** KDHE is discussing an amendment to adopt the federal radionuclide rule. The EPA has updated its standards for radionuclides in drinking water. The EPA also has set a new standard for uranium. The standards are: combined radium 226/228 (5 pCi/L); beta emitters (4 mrems); gross alpha standard (15 pCi/L); and uranium (30 ug/L). The Department has not yet set a schedule for rulemaking. *For further information, please contact Steve Foster at (785) 296-5505.*

(NEW) **Interim Enhanced Surface Water Treatment Rule (no citation yet).** KDHE is discussing an amendment to adopt the federal IESWTR. The 1998 IESWTR imposed filtration and disinfection requirements on larger water systems (those providing water to 10,000 persons or more) that use surface water or groundwater under the direct influence of surface water. The Department has not yet set a schedule for rulemaking. *For further information, please contact Steve Foster at (785) 296-5505.*

(NEW) **Stage 1 Disinfectant and Disinfectant Byproducts Rule (no citation yet).** KDHE is discussing a rulemaking to adopt the federal rule on disinfectants and disinfectant byproducts. The Stage 1 Disinfectants and Disinfection Byproducts Rule applies to all community and nontransient noncommunity water systems that treat their water with a chemical disinfectant for either primary or residual treatment. The rule establishes maximum residual disinfectant level goals and maximum residual disinfectant levels for three chemical disinfectants: chlorine, chloramine and chlorine dioxide. It also establishes MCLGs and MCLs for total trihalomethanes, haloacetic acids, chlorite and bromate. The Department has not yet set a schedule for rulemaking. *For further information, please contact Steve Foster at (785) 296-5505.*

(NEW) **Arsenic in Drinking Water (no citation yet).** KDHE is discussing amending the arsenic in drinking water regulations to adopt the federal rule. The EPA adopted a new standard for arsenic in drinking water at 10 ppb, replacing the old standard of 50 ppb. The rule became effective on 22 February 2002. Public water systems must implement the rule by January 2006. The Department has not yet set a schedule for rulemaking. *For further information, please contact Steve Foster at (785) 296-5505.*

(NEW) **Filter Backwash Recycling Rule (no citation yet).** KDHE is discussing an amendment to adopt the federal Filter Backwash Recycling Rule. The rule is required by the Safe Drinking Water Act as one method of reducing the risks posed to consumers by microbial contaminants that may be present in public drinking water supplies. The Department has not yet set a schedule for rulemaking. *For further information, please contact Steve Foster at (785) 296-5505.*

(NEW) **Long Term 1 Enhanced Surface Water Treatment Rule (no citation yet).** KDHE is discussing an amendment to adopt the federal rule on the Long Term 1 Enhanced Surface Water Treatment Rule. The purpose of the LT1ESWTR is to improve control of microbial pathogens, specifically the protozoan *Cryptosporidium*, in drinking water, and address risk trade-offs with disinfection byproducts. The LT1ESWTR applies to all public water systems that (1) use surface water or groundwater under the direct influence of surface water; and (2) serve fewer than 10,000 persons. The Department has not yet set a schedule for rulemaking. *For further information, please contact Steve Foster at (785) 296-5505.*

(UPDATE) **Solid Waste Rules Amendments of Requirements for Groundwater in Relation to Municipal Waste Landfills (KAR 65-3406).** KDHE has prepared draft amendments to its solid waste rules. The amendments cover groundwater requirements in relation to municipal waste landfills, permit fees and vertical expansion. The amendments streamline laboratory requirements, address sampling and statistical analysis, and update the current requirements. Staff report that the regulation has been sent for review by the Department of Administration and the Attorney General. Once the regulation has been reviewed, public hearings will be held. *For further information, please contact George McCaskill at (785) 296-1606.*

NOTE: Please see the following EPA action related to Kansas under **EPA FINAL RULES:** Approval and Promulgation of Operating Permits Program; State of Kansas.

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MISSOURI

Legislative/Regulatory Activity

STATE OF MISSOURI SIGNED AND VETOED BILLS

(UPDATE) **HB 371 – Hazardous Waste.** This bill makes Missouri law consistent with federal requirements for hazardous waste haulers and extends safety regulations to include all commercial carriers, not just those licensed by weight. Governor Holden signed this bill on 9 July 2003.

(UPDATE) **SB 202 – Water Use.** This bill requires any water corporation, municipality or public water supply district to allow access to its supply of water during an emergency to any fire protection district, city fire department or other entity providing fire protection services, regardless of any non-payment of fees. Governor Holden signed this bill on 9 July 2003.

STATE OF MISSOURI FINAL RULE

(UPDATE) **Emission Limitations and Emissions Trading of NO_x (10 CSR 10-6.350).** MDNR has approved amendments to 10 CSR 10-6.350 that reduce the emission of NO_x by establishing NO_x emission limitations and a rate-based trading program for the State of Missouri. Recent legal determinations and the final NO_x SIP call for the eastern portion of the United States have allowed states more time to implement NO_x strategies. Due to this increase in implementation time, MDNR is proposing to extend the Missouri implementation date of this rule to 1 May 2004. In addition, the amendments will clarify some administrative aspects of the NO_x emissions trading program while incorporating other, non-substantive clarification/error correction modifications deemed necessary during the rulemaking development process. The Department approved the amendments on 24 March 2003, and the rule was approved by the Legislature and published on 15 July 2003. The rule was effective 15 August 2003. *For further information, please contact Refaat Mefrakis at (573) 751-4817.*

STATE OF MISSOURI FINAL RULES PENDING REVIEW

(UPDATE) **Exemption of Portable Equipment Installations (10 CSR 10-6.065).** MDNR has adopted regulations exempting portable equipment installations from Air Pollution Control requirements when the time

between relocations is no more than two years. Under current regulations, a portable equipment installation must amend its operating permit each time it relocates. An installation must also be evaluated within the New Source Review permitting process each time it relocates. The Department has determined that exempting these sources from Basic Operating Permit requirements would reduce the burdens on these sources and the Department's Air Pollution Control Program without negatively impacting air quality. The regulation is now pending legislative review. *For further information, please contact Wayne Grath at 573-751-4817.*

(UPDATE) **Adoption of Federal Emission Standards (10 CSR 10-6.070, 6.075, 6.080).** MDNR has adopted rulemakings incorporating changes made to 40 CFR parts 60, 61 and 63 during the previous year into the Missouri code. These rulemakings will adopt by reference new emission standards. These include the 2-, 4-, 7- and 10-year MACT standards and performance criteria for new or modified stationary sources of hazardous air pollutants. Additionally, these rulemakings include updates and clarifications to existing standards. The regulation is now pending legislative review. *For further information, please contact Don Cripe at (573) 751-4817.*

NOTE: Please see the following EPA action related to Missouri under **EPA FINAL RULES:** Approval and Promulgation of Implementation Plans; State of Missouri.

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NEBRASKA

Legislative/Regulatory Activity

STATE OF NEBRASKA PROPOSED RULES

(NEW) **Rules and Certification for Professionals Responsible for the Design, Operation and Maintenance of On-Site Wastewater Treatment Systems (Title 124, Chapters 1, 20-23, Appendix A).**

NDEQ has proposed regulations revising the design, operation and maintenance of on-site wastewater treatment systems, specifically the certification of installers. The proposed regulations include new definitions for certified professionals as well as definitions concerning layout, siting, reconstruction and repair. In addition, changes have been made to Chapter 20, Certification Requirements for Onsite Certified Professionals; Chapter 21, Revocation, Suspension or Refusal to Grant Certification; Chapter 22, Registration of Private Onsite Wastewater Treatment Systems; and the general provisions of Chapter 23 and Appendix A. The Department's Quality Council will discuss the regulations for possible adoption at its 4 September 2003 meeting. *For further information, please contact Steve Goins at (402) 471-2186.*

(NEW) **Air Quality Regulations (Title 129).** NDEQ is proposing changes to Chapter 20, to include (1) correction of an error to clarify that the opacity standard in this chapter applies unless a different opacity standard applies elsewhere in the title, and (2) reformatting of a table. A public hearing is scheduled for 4 September 2003; written comments were due by 3 September 2003.

(UPDATE) **Certification of Wastewater Treatment Facility Operators (Title 197).** NDEQ is amending Title 197 to include the mandatory certification of operators of noncompatible industrial wastewater treatment facilities. Changes include the following: (1) adding definitions, (2) adding exemptions for certain facilities from the certification requirements, (3) including requirements for non-compatible industrial facilities, (4) including non-compatible industrial certificates and provision for temporary certificates, (5) including educational and experience requirements for certification of non-compatible industrial operators, and (6) setting continuing educational requirements for renewal of certificates of non-compatible industrial operators. A public hearing is scheduled for 4 September 2003; written comments were due by 3 September 2003.

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Acronyms and Abbreviations

ACSIM = Assistant Chief of Staff for Installation Management
ADEQ = Arkansas Department of Environmental Quality
AEDB = Army Environmental Database
AFCEE = U.S. Air Force Center for Environmental Excellence
AFIT = Air Force Institute of Technology

ANPRM = Advance Notice of Proposed Rulemaking
 ANSI = American National Standards Institute
 APA = American Planning Association
 AQCR = Air Quality Control Region
 AST = aboveground storage tank
 ASTSWMO = Association of State and Territorial Solid Waste Management Officials
 ATV = all-terrain vehicle
 AWMA = Air & Waste Management Association
 BAT = best available technology
 BRAC = Base Realignment and Closure
 CAA = Clean Air Act
 CADD = computer-aided design and drafting
 CAM = compliance assurance monitoring
 CAMU = corrective action management unit
 CARB = California Air Resources Board
 CBT = computer-based training
 CCAR = Coordinating Committee for Automotive Repair
 C&D = construction and demolition
 CECOS = Civil Engineer Corps Officers
 CERCLA = Comprehensive Environmental Response, Compensation and Liability Act
 CESQG = conditionally exempt small-quantity generator
 CFC = chlorofluorocarbon
 CFR = Code of Federal Regulations
 CHPPM = U.S. Army Center for Health Promotion and Preventative Medicine
 CINWL = commercial industrial nonhazardous waste landfill
 CISWI = commercial and industrial solid waste incinerator
 CO = carbon monoxide
 CREO = Central Regional Environmental Office
 CSR = Code of State Regulations
 CTT = closing, transferring and transferred ranges
 CWA = Clean Water Act
 DAC = Defense Ammunition Center
 DBP = disinfection byproduct
 DBPR = Disinfectants and Disinfection Byproducts Rule
 DENIX = Defense Environmental Network & Information eXchange
 DERP = Defense Environmental Restoration Program
 DFW = Dallas/Fort Worth
 DNT = dinitrotoluene
 DoD = U.S. Department of Defense
 DOE = U.S. Department of Energy
 DOI = U.S. Department of Interior
 DOT = U.S. Department of Transportation
 DRMS = Defense Reutilization and Marketing Service
 DSMOA = Defense/State Memorandum of Agreement
 EA = environmental assessment
 ECAS = Environmental Compliance Assessment System
 ECHO = Enforcement and Compliance History Online
 ECOS = Environmental Council of the States
 ECSR = Environmental Compliance Status Report
 EIS = environmental impact statement
 EMR = environmental management review
 EMS = environmental management system
 EO = executive order
 EPA = U.S. Environmental Protection Agency
 EPAS = Environmental Performance Assessment System
 EPCRA = Emergency Planning and Community Right-to-Know Act
 ER = environmental restoration
 ERC = emission reduction credit
 ERTTP = Environmental Response Training Program
 ETMD = Environmental Training and Management Division

EVR = enhanced vapor recovery
FIFRA = Federal Insecticide, Fungicide and Rodenticide Act
FFEO = Federal Facilities Enforcement Office
FM = facilities management
FR = Federal Register
FS = feasibility study
FUDS = Formerly Used Defense Sites
FY = fiscal year
GAO = General Accounting Office
GCP = general construction permit
GIS = geographic information system
gpd = gallons per day
GSA = General Services Administration
HAP = hazardous air pollutant
HAZMAT = hazardous materials
HAZWOPER = Hazardous Waste Operations and Emergency Response
HB = House Bill
HGA = Houston/Galveston Area
HJR = House Joint Resolution
HM = hazardous material
HMIRS = Hazardous Materials Information Resource System
HMIWI = hospital/medical/infectious waste incinerator
HMX = high melting point explosive
HQ = headquarters
HSB = House Study Bill
HTRW = hazardous/toxic and radioactive waste
IAC = Iowa Administrative Code
IDNR = Iowa Department of Natural Resources
IESWTR = Interim Enhanced Surface Water Treatment Rule
I&M = inspection and maintenance
IMI = Installation Management Institute
ISEERB = Interservice Environmental Education Review Board
ISO = International Organization for Standardization
ISR = Installation Status Report
ITAM = Integrated Training Area Management
ITRC = Interstate Technology Regulatory Council
KAR = Kansas Administrative Rules
KCMA = Kansas City Metropolitan Area
KDA = Kansas Department of Agriculture
KDHE = Kansas Department of Health and Environment
kW = kilowatt
LAC = Louisiana Administrative Code
LB = legislative bill
LDEQ = Louisiana Department of Environmental Quality
LDR = land disposal restriction
LLRW = low level radioactive waste
LPDES = Louisiana Pollutant Discharge Elimination System
LPST = leaking petroleum storage tank
LQG = large quantity generator
LT1ESWTR = Long Term 1 Enhanced Surface Water Treatment Rule
LT2ESWTR = Long Term 2 Enhanced Surface Water Treatment Rule
LUC = land use control
LUST = leaking underground storage tank
MACT = maximum achievable control technology
MCL = maximum contaminant level
MCLG = maximum contaminant level goal
MDNR = Missouri Department of Natural Resources
MDS = minimum desirable streamflow
MEG = Military Environmental Group
MEK = methyl ethyl ketone

mg/L = milligram per liter
 mg/yr = megagrams per year
 MMR = Military Munitions Rule
 mph = mile per hour
 MP&M = metal products and machinery
 M2R = Military Munitions Rule
 mrem = millirem
 mrem/yr = millirem per year
 MS4 = municipal separate storm sewer system
 MSDS = material safety data sheet
 MSWG = Multi-State Working Group
 MSWLF = municipal solid waste landfill
 MSWTS = municipal solid waste transfer station
 MTBE = methyl tertiary butyl ether
 MVECP = Motor Vehicle and Engine Compliance Program
 MWC = municipal waste combustion
 NAAQS = National Ambient Air Quality Standard
 NAICS = North American Industry Classification System
 NDEQ = Nebraska Department of Environmental Quality
 NDIA = National Defense Industrial Association
 NEPA = National Environmental Policy Act
 NESHAP = National Emission Standards for Hazardous Air Pollutants
 NFPA = National Fire Protection Association
 NGWA = National Ground Water Association
 NHPA = National Historic Preservation Act
 NMAC = New Mexico Administrative Code
 NMED = New Mexico Environment Department
 NOx = nitrogen oxides
 NORM = naturally occurring radioactive material
 NPDES = National Pollutant Discharge Elimination System
 NRC = Nuclear Regulatory Commission
 NREO = Northern Regional Environmental Office
 NSP = new source performance
 NSR = new source review
 OAC = Oklahoma Administrative Code
 ODEQ = Oklahoma Department of Environmental Quality
 OE = ordnance and explosives
 OMEG = Oklahoma Military Environmental Group
 ORVR = onboard refueling vapor recovery
 OSHA = Occupational Safety and Health Administration
 OSPRA = Oil Spill Prevention and Response Act
 OSSF = on-site sewage facility
 P2 = pollution prevention
 PASS = Permit Application Software System
 PBR = permit by rule
 PBT = persistent bioaccumulative toxin
 PCB = polychlorinated biphenyl
 pCi/L = picocurie per liter
 PEMS = Predictive Emission Monitoring Systems
 P.L. = public law
 PM = particulate matter
 POC = point of contact
 POM = Program Objective Memorandum
 POTW = publicly owned treatment works
 ppb = part per billion
 ppm = part per million
 PSD = prevention of significant deterioration
 PST = petroleum storage tank
 PSTTF = Petroleum Storage Tank Trust Fund
 PTE = potential to emit

PWS = public water system
RACM = reasonably available control measures
RACT = reasonably available control technology
RCRA = Resource Conservation and Recovery Act
RDX = Royal Demolition eXplosive
REC = Regional Environmental Coordinator
RFG = reformulated gasoline
RI = remedial investigation
RICE = reciprocating internal combustion engine
ROD = record of decision
SAME = Society of American Military Engineers
SB = Senate Bill
SDWA = Safe Drinking Water Act
SDWIS = Safe Drinking Water Information System
SERDP = Strategic Environmental Research and Development Program
SIC = Standard Industrial Classification
SIP = State Implementation Plan
SM = Senate Measure
SPCC = Spill Prevention, Control, and Countermeasure
SQG = small quantity generator
SREO = Southern Regional Environmental Office
TAC = Texas Administrative Code
TBD = to be determined
TCEQ = Texas Commission on Environment Quality
TCM = transportation control measure
TDS = total dissolved solids
TERP = Texas Emissions Reduction Plan
TIM = Transformation of Installation Management
TMDL = total maximum daily load
TPDES = Texas Pollutant Discharge Elimination System
TRI = Toxics Release Inventory
TRI-DDS = Toxics Release Inventory – Data Delivery System
TRRP = Texas Risk Reduction Program
TSCA = Toxic Substances Control Act
tpy = tons per year
TNT = trinitrotoluene
TXEP = Texas Environmental Partnership
UIC = underground injection control
USACE = U.S. Army Corps of Engineers
USAEC = U.S. Army Environmental Center
U.S.C. = United States Code
USFWS = U.S. Fish and Wildlife Service
USGS = U.S. Geological Survey
UST = underground storage tank
UXO = unexploded ordnance
VOC = volatile organic compound
WET = whole effluent toxicity
WMM = waste military munitions
WQBEL = water quality-based effluent limit
WQMP = Water Quality Management Plan
WREO = Western Regional Environmental Office
ug/L = microgram per liter

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